

FILED

MAY 19 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALI H. ADDO,

Plaintiff - Appellant,

v.

OFE CARLSON, Examiner; et al.,

Defendants - Appellees.

No. 05-15252

D.C. No. CV-03-04905-CW

MEMORANDUM^{*}

Appeal from the United States District Court
for the Northern District of California
Claudia Wilken, District Judge, Presiding

Submitted May 15, 2006^{**}

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Ali H. Addo, a native and citizen of Somalia, appeals pro se from the district court's summary judgment for the District Director and Examiner of the San Francisco Bureau of Citizenship and Immigration Services, in his action alleging

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

that his status should be changed from lawful permanent resident to naturalized citizen. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Buono v. Norton*, 371 F.3d 543, 545 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment for defendants because Addo merely challenged the merits of his pending naturalization application. *See Bellajaro v. Schiltgen*, 378 F. 3d 1042, 1046 (9th Cir. 2004) (district courts only have jurisdiction to review a final agency decision and may not make a determination on the merits of a naturalization petition in the first instance, with one exception that does not apply here).

AFFIRMED.